DETAILED ACTION

Response to Arguments/Amendments

1. Applicant's arguments filed on 10/26/2009 have been fully considered but they are not persuasive for the following reasons:

Applicant has offered the following argument:

"The Applicant submits that Kato and Sugimoto disclose error removal or/and error correction techniques. In Kato, since the errors are eliminated from the playback control information that was originally read from the storage medium (i.e., the corrected playback control information is used to play back the presentation (AV)information in the correct sequence), it is clear that the system does not follow the playback control sequence of the playback control data in which error has been detected, as recited in claims 16-17, 20-21 and 24-25 of the present application. In Sugimoto, as shown in Fig. 5A in conjunction with Fig. 1 and described in steps 504, 505, 507, when a read error occurs, an address in which the read error has occurred is identified. When it is indicated that the error is impossible to be corrected, the read data is transferred from the address to the decoder 138 except for GOP (Group of Pictures). Therefore, Sugimoto also does not disclose the subject matter of claims 16-17, 20-21 and 24-25.

The Examiner seems to be correct in stating that since Kato and Sugimoto discuss correcting errors in the playback control data. It is obvious for a playback system not to follow the sequence of playback control data before an occurred error has been corrected. However, the present invention does not relate to an error correction but relates to an information playback apparatus characterized in that: when playback control data fails to be used (at this time, it is impossible even to perform an error correction, i.e., playback control data is wrong from the

beginning), the playback apparatus operates to designate a playback sequence (i.e., to play back the data stored in an initial file of a data set, or to play back the data specified by a logical address at a time an error is detected), as recited in claims 16-17, 20-21 and 24-25.

Using the above feature of the present invention, it is possible to obtain the following advantages. Namely, when a user or the like uses an electronic apparatus containing an authoring software or having an authoring function and edits digital contents, even if the playback control data Dvtsi or the playback control data N contains wrong data, it is still possible to continue the playback of the presentation data Dpst without causing an abnormality in a playback operation and then stopping the playback.

In contrast to the present invention, Kato fails to perform a playback when the error correction and coding unit 5 fails to correct an error of the playback control data or when an error is originally contained in a playback control data stored in the disc 2.

Likewise, Sugimoto fails to decode the GOP data whose error failed to be corrected, so that the GOP data is not transferred to the decoder (i.e., it is not plaid back). Accordingly, Sugimoto fails to teach a playback apparatus of the present invention, which, at a time an error occurs in the playback control data, can designate a playback sequence without following the playback control data."

Examiner responds that there is no mention in the claim language referring to "when playback control data fails to be used" or "playback control data is wrong from the beginning" etc., therefore this argument is irrelevant. It appears that if applicant wants to apply these limitations to the claim, further description is required. Furthermore, the proposed limitation that the control data is not used is clearly shown in Kato (See Col. 10, lines 63-67 and Col. 11, lines 1

- 53). In this portion, Kato disclosed that a user can input new playback control data onto the disk, therefore overriding the previously stored erroneous control data.

Applicant has also offered the argument that:

"At least for these reasons, independent claims 16-17, 20-21 and 24-25 are patentable over Kato and Sugimoto, taken alone or in combination.

Claims 18-19, 22-23 and 26-27 depend from claims 16-17, 20-21 or 24-25, respectively, and are therefore patentable for the same reasons their base claims and further for the additional novel subject matter contained therein."

Examiner responds that since the arguments asserting the patentability of independent claims 16-17, 20-21 and 24-25 are rendered unpersuasive, all related claims stand rejected (See previous office action and rejections below).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16, 18 – 20, 22 – 24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US 6,396,874 B1).

4. In regards to claims 16, 20 and 24, Kato shows an information playback apparatus (1) (See Fig. 3 and Col. 9, lines 23-29), method and program (See Col. 10, lines 20-53) for playing back contents formed by including one or more data sets having a plurality of files (See Col. 10, lines 4-8) for storing presentation data (video and audio data) and having playback control data

for instructing playback sequence of contents of said plurality of said files (See Col. 10, lines 28-32), said information playback apparatus comprising: signal processing means (playback controller (8)) for performing a playback of said presentation data in accordance with playback sequence of said playback control data (See Fig. 3 and Col. 10, lines 20-53); abnormality detecting means (error correcting and coding unit (5)) for detecting whether there is an abnormality in said playback control data (See Fig. 3 and Col. 10. lines 63-65); and control means (error correcting and coding unit (5)) for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects an abnormality in said playback control data, detecting a data set to which the playback control data containing said abnormality belongs, and causing the signal processing means to perform a playback from the presentation data stored in an initial file of said plurality of files belonging to the detected data set, without following the playback control sequence of said playback control data belonging to the detected data set (See Col. 10, lines 63-67 and Col. 10, lines 1 - 53).

5. In regards to claims18, 22 and 26, Kato shows that said contents are recorded in a storage medium (optical disc (2)) (See Fig. 3 and Col. 9, lines 23-29).

6. In regards to claim 19, 23 and 27, Kato shows that said contents are supplied through transmission media (readout unit (3)) (See Col. 9, lines 30-34).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 17, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Sugimoto (US Pub. No. 2001/0028608 A1).

9. In regards to claim 17, 21 and 25, Kato shows an information playback apparatus (1), (See Fig. 3 and Col. 9, lines 23-29) method and program (See Col. 10. lines 20-27) for playing back contents (video and audio data) formed by including one or more data sets having a plurality of files (See Col. 10, lines 4-8) and first playback control data for instructing playback sequence of contents of said plurality of files (See Col. 10, lines 20-53), and including one or more data units in which said one or more files each have presentation data (video and audio data) and second playback control data (operating input) for instructing logic address of contents of said presentation data (See Col. 11, lines 19-35 and Col. 13, lines 23-48), said information playback apparatus comprising: signal processing means (playback controller (8)) for performing a playback of said presentation data in accordance with playback sequence of the first playback control data and logic address of the second playback control data (See Fig. 3, Col. 10, lines 47-53 and Col. 13, lines 23-48); abnormality detecting means (error correcting and coding unit (5)) for detecting whether there is an abnormality in said first playback control data (See Fig. 3 and Col. 10. lines 63-65); and control means (error correcting and coding unit (5)) for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects an abnormality in said first playback control data, detecting a data set to which the first playback control data containing said abnormality belongs, and causing the signal processing means to perform a playback from the presentation data stored in an initial file of said plurality of files belonging to the detected data set, without following playback sequence of said

playback control data belonging to the detected data set (See Col. 10, lines 63-67 and Col. 10, lines 1-53).

Kato does not show abnormality detecting means for detecting whether there is an abnormality in said second playback control data or for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects an abnormality in said second playback control data, detecting a data unit to which the second playback control data containing said abnormality belongs, and causing the signal processing means to continue the playback from the presentation data specified by a logical address at the time an abnormality is detected, without following the logic address of said playback control data belonging to the detected data unit.

Sugimoto shows abnormality detecting means for detecting whether there is an abnormality in playback control data and shows the method of when signal processing means is playing back presentation data and once said abnormality detecting means detects an abnormality in said playback control data, detecting a data unit to which the playback control data containing said abnormality belongs, and causing the signal processing means to continue the playback from the presentation data specified by a logical address at the time an abnormality is detected, without following the logic address of said playback control data belonging to the detected data unit (See Fig. 5 and paragraphs [0101] – [0103]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kato with the teachings of Sugimoto. The reasoning is as the following: Using address information to specify where an error has occurred and correcting the

error based on the found address is a simple and effective method of efficiently reproducing data on the medium without errors.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL ADAMS whose telephone number is (571)270-7448. The examiner can normally be reached on Monday through Friday, 8:00 AM to 5:00 PM, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Adams/
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